

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. 2:20-cr-00020-RAJ

Plaintiff,

V.

ORDER DENYING MOTION FOR RECONSIDERATION

DALE DUPREE CASEY,

Defendant.

This matter comes before this Court on Defendant Dale Dupree Casey's Motion for Reconsideration of Order Denying Defendant's Emergency Motion to Reopen Bond. Dkt. # 65. Having thoroughly considered the parties' briefing and the relevant record, the Court hereby **DENIES** the motion for the reasons explained herein.

Motions for reconsideration are generally disfavored. Local Rule W. D. Wash. LCR 12(b)(13)(A). The Rule goes on to note that the court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the attention of the court earlier with reasonable diligence.

The defendant does not allege manifest error in the Court’s prior order but narrows his argument to the new facts component of the Rule. Specifically, he contends there are now 7 positive tests for COVID-19 for prisoners, 2 for staff with 1 recovered at the Federal Detention Center at SeaTac. Dkt. # 65. The government acknowledges that as of August 24,

1 | 2020 the facility had 24 inmates and 5 employees who tested positive for the virus.
2 | Dkt. # 66. While any number of positives of the virus are of significant concern to this
3 | Court, it would appear the potential effects of COVID-19 at that facility would be minimal
4 | considering the current pandemic record at the FDC-SeaTac.

5 | The defendant's motion is devoid of any showing that the FDC-SeaTac is unequipped
6 | to provide appropriate medical treatment if he were to become infected with the virus. Nor
7 | does the defendant assert any facts to demonstrate that he faces a greater risk while in
8 | custody than what he would face in the community upon his release.

9 | Moreover, the government has provided evidence that the defendant's housing unit
10 | has had no positive tests and has not been placed in quarantine. In addition, there are no
11 | known medical issues of COVID-19 exposures regarding Mr. Casey. Dkt. # 66 and see
12 | Ex. 1. These facts alone are sufficient to deny the defendant's motion.

13 | Notwithstanding the issue of COVID-19, the defendant's motion ignores the thrust of
14 | the Court's prior Order, Dkt. # 63, pgs. 6-7, wherein the Court noted: "Defendant has failed
15 | to present new information that has a material bearing on whether there are conditions of
16 | release that will reasonably assure his appearance at trial and the safety of any other person
17 | and the community."

18 | The Court reaffirms its prior ruling that the defendant's motion does not counter or
19 | diminish the defendant's numerous failures to appear or his criminal history, which includes
20 | seven convictions for assault, among various other offenses. The Court finds no reason to
21 | vary from the critical concern in denying this or the original motion.

22 | This Court has also considered the defendant's Motion for Leave to File a Reply to
23 | the Government's Response. Dkt. # 67. That reply has been considered, but it does not
24 | change the outcome of the Court's ruling.

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1 For the reasons stated above, the Court **DENIES** defendant's Motion for
2 Reconsideration of Order Denying Defendant's Emergency Motion to Reopen Bond and
3 **GRANTS** Defendant's Motion for Leave to File a Reply to the Government's Response.

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5 DATED this 26th day of August, 2020.

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8 The Honorable Richard A. Jones
9 United States District Judge

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